



Volume I:
Required Historic Regulations

The enclosed mandatory historic zoning regulations apply to residential and nonresidential lots and structures in the historic districts. Suggested guidelines, which are not mandatory, are provided in Volume II, Suggested Historic Guidelines.

Applicable to the College Hill Historic District and Oak Park Historic District
Refer to enclosed map for district boundaries

Last Amended: March 1, 2011

City of Maryville Historic Zoning Commission



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TENNESSEE CODE, TITLE 13, CHAPTER 7, PART 4, HISTORIC ZONING

HISTORIC ZONING COMMISSION AUTHORIZED IN THE CITY CHARTER

HISTORIC ZONING COMMISSION BY-LAWS

APPLICATION TO THE HISTORIC ZONING COMMISSION

FLOW CHART OF MARYVILLE HISTORIC ZONING APPLICATION PROCESS

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INTRODUCTION

HELPFUL POINTS TO REMEMBER

- If these guidelines appear to be complex, remember that **the intention of the guidelines is to preserve the way a structure was originally designed and built**. If you are uncertain about anything in the regulations, please contact the Development Services Department at (865) 273-3500 and ask for the staff member assigned to administer the Historic Zoning Regulations.
- Please remember that the following Historic Zoning Regulations apply whether or not you need a building permit.
- Many routine maintenance and minor repairs of “in like and kind” do not require you coming before the Historic Zoning Commission. If you are in doubt, it would be best to call the Development Services Department staff member assigned to administer the Historic Zoning Regulations.
- If you are proposing any alteration to the exterior of your historic structure, you must submit an application (even if what you are proposing cannot be seen by the public) to the Historic Zoning Commission.
- The Maryville Historic Zoning Commissioners are citizen volunteers who stand ready to help you preserve and restore your historic property.

WHY HAVE DESIGN GUIDELINES?

- Design guidelines for historic areas are intended to preserve and protect the existing architecture and provide for compatible new growth and development. They provide a blueprint for communities to maintain and enhance the character of historic areas and strengthen and reinforce community identity. The implementation and utilization of guidelines can have an immediate visual impact on a community with tangible aesthetic results. These aesthetic results can be further translated into important economic considerations.

Design Review Guidelines Can Enhance and Protect Property Values

- The 1980s witnessed a surge of interest across the country in reviving historic neighborhoods and commercial areas. Investment in historic neighborhoods increased significantly, resulting in the stabilization and enhancement of property values. Real estate professionals have recognized the growing market of individuals and families interested in historic residences and have increasingly used preservation in their marketing techniques.
- Design guidelines assure property owners that their investment in an historic neighborhood will be protected. Just as suburban and planned-unit developments are marketed for their particular qualities, so are the qualities of historic neighborhoods. Guidelines help to ensure that rehabilitation and new construction are in keeping with the overall character of a district and minimize incompatible development, which could impact a property owner's

investment.

Design Guidelines Promote Heritage Tourism

- Visitation of historic sites and communities is often referred to as heritage or cultural tourism. Tourism is one of the fastest growing areas in the nation's economy and is of increasing importance for many communities' growth and development. Through design guidelines, the character of Maryville can be preserved and maintained and will go hand in hand with heritage tourism efforts.

Design Guidelines Reinforce Community Identity

- In recent decades, many communities have funded infrastructure projects and the construction of industrial parks to attract manufacturing companies and industry. Water sources and transportation networks have also been improved in many communities to promote economic growth. When relocating their facilities, companies are now able to pick and choose from a large list of competing communities. Increasingly, those communities that have a good quality of life are attracting desirable companies and development. Quality of life factors include good schools, parks, and aesthetics such as attractive and healthy residential neighborhoods and commercial areas.
- A community's appreciation of its heritage and character is demonstrated through its attitude toward historic preservation. Preservation of historic and architectural resources is a positive attribute of a town or city and can be used as part of a community's overall marketing efforts. Design guidelines can ensure that historic and architectural resources can accommodate growth in a positive manner.

ON WHAT ARE THESE GUIDELINES BASED?

The best guidelines for working on historic buildings are the U.S. Secretary of Interior's *Standards for the Treatment of Historic Properties*. The *Secretary's Standards*, as they are often called, help determine whether the historic character of a building is preserved in the process of rehabilitation. To obtain a copy, visit the National Park Service's Heritage Preservation Services website.

The Maryville Historic Zoning Commission has used the *Secretary's Standards* to help it develop design guidelines for Maryville's historic districts.

Additionally, the State Historic Preservation Officer (SHPO) from the Tennessee Historical Commission has advised the Commission since its creation. Finally, other design guidelines from throughout the State of Tennessee have helped the Commission create these guidelines.





↑
North



This historic district became effective
June 6, 2000.

Prepared by: City of Maryville
Planning Department, Jan. 18, 2000

Oak Park Historic District

The following required regulations apply to residential and nonresidential lots and structures in the historic districts.

1.00 LANDSCAPE FEATURES

- a. Retaining walls and planters on the front yard or façade shall not be constructed with wood timbers, railroad ties, or pre-formed concrete blocks. These may be added on the sides and rear of property except if visible from the street.
- b. New retaining walls shall be of brick or stone or stone-faced concrete block, or match the foundation material of the accompanying dwelling.
- c. Preserve and retain historic fence and retaining wall materials.
- d. Miscellaneous landscape features, including, but not limited to, fountains, arbors, trellises, statuaries and pergolas, which are over five feet tall shall be reviewed if such feature is proposed to be located between the street and the front of the structure.

2.00 DRIVEWAYS AND ON-SITE PARKING

- a. Maintain original driveway configuration.
- b. Do not construct parking areas between the street and primary façades of residences.
- c. Do not construct circular driveways between the street and primary façades of residences.

3.00 FENCES

- a. Preserve historic fence and retaining wall materials.
- b. The addition of historic fence designs and materials is appropriate; fence designs shall be related to the architectural design of the primary structure.
- c. Wood plank fences and solid wall brick fences walls shall not be placed between the street and the structure.
- d. Wood plank fences and solid walls shall not be added on secondary or side yards unless they are recessed back at least (20) twenty feet from the plane of the structure's front wall.
- e. Fences on the façades shall not exceed three (3) feet in height while fences on the secondary and rear façades shall be no higher than six (6) feet. On corner lots fences shall be no higher than two and a half (2 ½) feet within 10 feet of the street intersection. This requirement is mandated by the City's zoning ordinance to prevent obstruction of motorists' views.
- f. The use of chain link, vinyl, and similar material is prohibited.
- g. Chain link pet cages are prohibited if clearly visible from the street.

- h. Wood picket, cast iron and tube aluminum that simulates wrought iron fencing are the most appropriate materials at the sidewalk or property line on the primary façade of a residence or any street fronting side. Information provided in applications for proposed fencing shall include the location of the proposed fence on a scaled site plan, the proposed materials. In the case of proposed picket fences, the details of the picket width, spacing, and design shall also be shown on drawings.
- i. Wooden split rail fences are prohibited.

4.00 LIGHTING FIXTURES

- a. Retain and preserve original exterior lighting fixtures on pre-1945 buildings.
- b. All proposed light fixtures visible from public view shall be reviewed for their appropriateness to the structure's historic character.
- c. Small visible sources of footlights on walkways and driveways are prohibited.
- d. Security lighting, when desired, shall be mounted unobtrusively on eaves or at the rooflines on side or rear elevations only; mounted on façades is prohibited.

5.00 SIGNS FOR LICENSED HOME OCCUPATION USE

- a. All signs shall be reviewed for their appropriateness.
- b. Signs that flash, animate, or rotate shall not be permitted.
- c. The top of signs that are attached to buildings shall be no higher than twelve (12) feet from the ground.
- d. The top of freestanding signs shall be no higher than FOUR (4) feet from the ground.
- e. Signs shall not be internally lit and shall not include neon lighting tubes.

6.00 PRESERVE AND MAINTAIN EXTERIOR WOOD SIDING

- a. Preserve and maintain original wood siding.
- b. Perform cyclical maintenance such as repair and painting regularly to residences of wood frame construction.
- c. The use of vinyl, aluminum, or other artificial sidings is prohibited. Cement board siding can be used, however, provided it does have textured wood grain.

7.00 EXTERIOR DECORATIVE ELEMENTS

- a. Preserve and maintain original wood siding materials and decorative elements.

- b. Do not conceal soffits, eaves, and porch ceilings with artificial siding materials.

8.00 WALLS

- a. Use materials, profiles, and designs to match the original wood siding when making repairs.
- b. Original siding and brick materials shall be maintained and preserved.
- c. Deteriorated siding shall be replaced with materials to match the original.
- d. Artificial siding such as aluminum or vinyl shall not be used. Cement-based siding may installed if it successfully replicates the appearance of wood siding in its dimensions and texture.
- e. Repair and replacement of exterior wood siding must follow the profiles and design of the siding it replaces. This includes horizontal weatherboards, frieze or fascia boards, sill boards, wood shingles, and other siding elements.

9.00 MASONRY

- a. Preserve and maintain original masonry; do not remove or obscure exterior masonry details.
- b. Repair of masonry walls and details is preferred over replacement.
- c. If replacement is required, match the new masonry as close to possible in color, texture, and profile to the original.
- d. Masonry walls shall not be painted. Even masonry walls that have had extensive replacement or rebuilding resulting in a patchwork of brick and/or contrasting mortar shall not be painted.

10.00 CLEANING MASONRY

- a. Use the least abrasive means possible when cleaning exterior masonry. Detergent cleaning or steam cleaning is preferred over the use of chemicals. Sandblasting and other abrasive cleaning methods are prohibited.

11.00 MAINTAINING MASONRY

- a. Repoint masonry using mortar to match the original in appearance.
- b. Rake new mortar joints to match the original joints.

12.00 FOUNDATION WALLS

- a. Maintain and preserve original foundation walls.
- b. Do not enclose original brick pier foundations with concrete or artificial materials such as stone or vinyl veneers.

- c. Retain foundations constructed of poured concrete or hollow core concrete block. Do not paint or apply stucco to concrete foundations. Artificial materials or veneers shall not be applied to obscure these foundations.

13.00 PORCHES

- a. Preserve and maintain original porch location and configuration and details; repair rather than replace porch elements that have become deteriorated.
- b. Existing front porches shall not be enclosed with glass or screen if the porch is visible from the street.
- c. Do not remove original porch elements such as columns, floors, and railing details. Repair porches with materials to match the original.

14.00 PORCH FLOORS

- a. Maintain and preserve original wood or concrete porch floors.
- b. Do not replace wood porch floors with concrete. Deteriorated porch floors may be replaced with synthetic decking materials that have the texture and dimension of wood decking.
- c. Repair porch floor areas that are deteriorated or cracked with matching materials.

15.00 PORCH COLUMNS

- a. Maintain and preserve original porch columns.
- b. Repair rather than replace porch, columns that are deteriorated. If the base of a column is the only major site of damage, then replace the base rather than the entire column.
- c. New wood columns to match original wood columns shall be used on primary façades. See Section 59.00. Metal or aluminum columns shall not be installed on primary façades.
- d. Aluminum or metal columns are discouraged. Wooden porch columns on rear walls or on porches not readily visible to the public may be used.
- e. Do not replace wood or brick columns with modern wrought-iron supports.

16.00 PORCH RAILINGS

- a. Maintain and preserve original porch railing details.
- b. Replace handrails or balusters with materials to match the original.

- c. Do not build a new porch railing on a porch that was originally built without one. However, the Commission will consider safety or access reasons. If railing is proposed, it shall be simple in design with square balusters and all dimensions drawn to scale are submitted at time of application.

17.00 PORCH STAIRS

- a. Preserve and maintain original concrete, brick, or wooden stairs leading to a porch or entrance.
- b. Do not install pre-cast or pre-formed concrete stairs on the primary façade.
- c. Repair and replace original wood, brick, or concrete stairs with stairs of matching material and design.
- d. Do not install wrought iron hand rails. If handrails are desired or necessary, they must be of wood* in simple designs with square balusters. *Refer to Section 59.00.

18.00 WHEELCHAIR RAMPS

- a. Wheelchair ramps shall be located on rear façades or secondary façades that are not readily visible; primary façades or secondary façades that are readily visible are inappropriate locations for wheelchair ramps.
- b. The materials, design, and detailing of wheelchair ramps shall be compatible with the original structure.

19.00 ENTRANCES

- a. Maintain and preserve original entrance locations.
- b. Do not enclose or alter entrances on primary or readily visible secondary façades.
- c. Do not add new entrance openings to primary or readily visible secondary façades.

20.00 EXTERIOR DOORS

- a. Maintain and preserve original entrance elements; preserve and retain original doors, transoms, sidelights, and surrounds. Original hardware such as locks and doorknobs shall also be retained.
- b. Do not replace original doors unless significant deterioration can be demonstrated.
- c. New doors on primary and readily visible secondary façades shall be compatible with the age and style of the structure. For residences built between 1880 and 1915, this may include single light glass and wood designs and doors with four or five recessed panels. For residences built between 1915 and 1945, doors with multiple glass light designs or single light designs are appropriate.

21.00 SCREEN AND STORM DOORS

- a. Preserve and maintain original wood screen doors; screen and storm doors shall match proportions and design of the entrance.
- b. Storm doors added to entrances on primary façades or readily visible secondary façades shall be of plain, full-view design to allow for visibility of the original entrance.
- c. Do not install storm doors of unpainted or raw aluminum.
- d. The installation of plain, full view storm doors at the primary entrance is allowed. Storm doors with extensive metal grillwork shall not be installed on front walls visible from the street but may be installed on rear entrances or entrances not readily visible from the street.
- e. New screen doors shall be of wood construction and plain, full view designs. Rails and stiles must match the original door.

22.00 STAIRCASES

- a. Exterior entrance staircases shall not be placed on primary façades. Staircases leading to upper floor entrances on the front wall visible from the street or on readily visible side walls are prohibited.
- b. Side and rear walls not readily visible from the street are appropriate locations for staircases.
- c. Construction of exterior staircases shall comply with local building codes.
- d. Staircases shall be constructed of wood rather than metal.

23.00 WINDOWS AND WINDOW OPENINGS

- a. Original window openings on front walls shall be preserved and maintained. Window openings shall not be enclosed, reduced, expanded, concealed, modified, or obscured. Window openings may be considered if physical or pictorial evidence demonstrates that a proposed opening was actually original to the structure.

Original window openings on rear walls are not subject to the requirements of this section.

Original window openings on side walls which are not visible to the street are not subject to requirements of this section.

Original window openings on side walls which are visible to the street are subject to all requirements of this section unless proposed window opening modifications do not destroy historic materials, features, and spatial relationships that characterize the property. In addition, window modifications on sidewalls will be considered if the proposal significantly improves the aesthetics of the structure.

- b. New window openings shall not be added to the front walls or readily visible walls.
- c. Do not add fixed, single-lite windows, picture windows, bay windows, or modern metal window designs to the primary or visible readily secondary walls.
- d. Replacement windows shall match the original windows in the design of window spacing. For example, if a window is comprised of one glass pane on the upper sash and one glass pane on the lower sash, then the replacement window shall also be comprised of one-pane sash over one-pane sash.
- e. If the window being replaced is a window with true divided lites, then the replacement windows shall either have true divided lites or have exterior muntins that simulate divided lites. The dimension of exterior muntins shall have a profile and depth that matches windows older window muntins. Replacement windows with exterior muntins shall not have a shallow and/or flat profile unless the original had the same muntins.
- f. Snap-on muntins shall not be added to existing windows.
- g. Replacement glass or lites shall be of clear glass on the front walls and readily visible side walls. Tinted or shaded glass may only be installed on rear or side elevations not visible from the street.
- h. Do not remove original stained glass, leaded glass, or other decorative glass from window openings.
- i. Do not add elaborate stained glass or other decorative glass elements to a front or readily visible façade if there is no evidence that such window features were present.
- j. Glass blocks, reflective glass, tinted glass, frosted glass, or films shall not be installed on front or readily visible walls.

24.00 STORM WINDOWS

- a. Storm windows shall match the original windows in dimension and proportions; meeting rail locations for storm windows shall match those of the original windows. Single-pane storm windows are appropriate, especially for small windows.
- b. Raw or untreated aluminum frames shall not be used. Storm windows shall be of baked enamel or anodized aluminum in colors to match the window trim.

25.00 EXTERIOR SHUTTERS

- a. Original wood shutters shall be preserved and maintained; repair shall be with materials and designs to match the original.
- b. Do not install shutters to window openings that never had them; new shutters should be sized to cover the window opening if closed. Shutters that are not proportional to the opening shall not be installed.

- c. If the need for replacement of original shutters is demonstrated, replacement should be with materials and proportions to match the original shutters.
- d. Metal or vinyl shutters shall not be installed on readily visible elevations.

26.00 ROOF FORMS

- a. Original roof forms shall be preserved; do not alter roof forms or roof pitch on the front of the structure or on readily visible roofs.
- b. Do not add new dormers, skylights, or gables to the roof on the front or readily visible roofs.
- c. Do not raise original roofs to accommodate additional stories.

27.00 ROOF MATERIALS

- a. Maintain and preserve original roof materials, which might include standing seam metal, slate, or tile.
- b. If sections of the original roof are deteriorated, they shall be replaced with materials to match the original. Refer to Section 59.00.
- c. Wholesale removal of standing seam metal roofs shall not occur without the demonstration of significant deterioration. Wholesale removal of slate or tile roof shall not occur unless unrepairable damage can be clearly demonstrated.
- d. Alteration, addition or removal of ornamentation such as finials or ridge cresting is prohibited.

28.00 CHIMNEYS

- a. Chimneys shall be maintained and preserved; removal or replacement of original brick chimneys shall not occur.
- b. Removal or addition of decorative brick corbelling or clay chimney caps is prohibited.
- c. Stucco shall not be applied to masonry chimneys. Even masonry that has had extensive replacement or rebuilding resulting in a patchwork of brick and/or contrasting mortar, should not have stucco or paint applied.

29.00 ARCHITECTURAL ORNAMENTATION

- a. Preserve and maintain and do not remove original architectural ornamentation.
- b. Architectural features and ornamentation that are not based on photographic or physical evidence shall not be applied. The addition of such ornamentation would not be accurate and would create an appearance not in accordance with the original design and style.

- c. Original architectural ornamentation that is too deteriorated for repair shall be replaced with profiles, dimensions, and materials to match the original.

30.00 PAINT

- a. Paint colors shall not be restricted with the exception that fluorescent colors shall not be used.
- b. Do not sandblast to remove paint from wood or brick surfaces. Abrasive methods pit and erode the original protective surface; see above.
- c. Masonry walls, chimney, and foundations shall not be painted. Even masonry walls that have had extensive replacement or rebuilding resulting in a patchwork of brick and/or contrasting mortar, shall not be painted.

31.00 HVAC UNITS

- a. Ground-mounted HVAC units shall be located on side or rear yards.
- b. Ground-mounted HVAC units visible from the street shall be screened with wood or brick fencing, lattice panels, and/or landscaping.
- c. The installation of window air conditioning units shall not result in the removal of original window sashes or the alteration of window framing or surrounds.
- d. Window air conditioner units shall not be installed on front façades. It is permissible to add air conditioner units to side or rear windows.
- e. HVAC units shall not be placed on the roofs of buildings where they are visible to the street.

32.00 AWNINGS

- a. Awnings shall be historically appropriate to the structure.
- b. Awnings of metal, vinyl, and similar materials shall not be applied on façades or readily visible elevations; canvas, vinyl-coated canvas, and acrylic are the most appropriate awning materials for pre-1945 residences.
- c. Awnings shall fully cover window, door or porch openings but not be oversized to conceal areas of the façade or detailing.

33.00 SOLAR PANELS AND SOLAR WATER HEATERS

- a. Solar energy-panels and solar water heaters are acceptable as freestanding structures in rear yards or attached to rear rooflines. If the sun exposure for a property is such that solar panels and solar water heaters can only be installed at the front or sides of structures, then thin, flexible solar sheets and low-profile solar water heaters should be used for exposed roofs to reduce their visibility from the street.

34.00 RECREATIONAL STRUCTURES

- a. Locate swimming pools, tennis courts, and other recreational structures and facilities in rear yards.
- b. Swimming pools and tennis courts shall be screened from public view through fences or landscaping. Temporary inflatable pools and other portable recreational facilities are exempt from this requirement.

34.01 RECREATIONAL VEHICLES, TRAILERS AND SIMILAR PORTABLE EQUIPMENT

- a. On-site, long-term (over two weeks) parking of recreational vehicles (campers, boats, jet skis, motor homes, travel trailers, portable smokers, all purpose terrain vehicles (ATV's), general use trailers and other similar portable equipment) shall be parked to the rear of lots so they are not readily visible from the street.

35.00 SATELLITE DISHES

- a. Satellite dishes (regardless of size), antennas, and other signal-receiving devices shall not be installed such that they are readily visible from streets. Buildings on corner lots shall also not have these devices erected in the side yard adjacent to the street.
- b. Dish antennas shall be painted a neutral or muted color. Dishes of polished metal, or with reflective surfaces, shall not be installed.
- c. Dish antennas shall not exceed one meter (39.37 inches) in overall diameter.
- d. Satellite dishes shall not be visible from the street and shall be screened through landscaping or fencing.

36.00 CARPORTS, GARAGES AND SHEDS

- a. Original outbuildings such as sheds and garages shall be maintained and preserved.
- b. Repair and replacement of original elements and details shall follow residential guidelines.
- c. All regulations set forth herein for rehabilitation and new construction regarding materials, setbacks, roof slope, etc., shall apply to carports, garages, storage sheds and all other ancillary structures.
- d. Ancillary structures (such as garages, carports, and sheds) that are visible from the street shall not be constructed of aluminum, metal, plastic, fiberglass, tarps, or canvas.

37.00 NEW CONSTRUCTION

- a. New construction shall be differentiated from surrounding historic structures and shall be compatible with the massing, scale, size, and architectural features of adjacent buildings. Avoid constructing historic reproductions. Property owners are

encouraged to consult a Registered Architect, having experience in Historic Preservation, when a new structure or major addition is being considered.

38.00 RECONSTRUCTION OF BUILDINGS

- a. It is permissible to reconstruct buildings on their original footprint with clearly documented evidence.
- b. Reconstructed buildings shall be constructed with materials, detailing, and decorative features to match or closely approximate the original building.
- c. There must be ample evidence of the previous building's existence provided by the Applicant.
- d. The specific location of reconstruction may be adjusted by property lines, utilities, easements and existing structures built since the original structure was removed. Refer to Section 60 regarding setbacks.

39.00 HEIGHT OF NEW CONSTRUCTION

- a. New construction must be compatible in height with adjacent structures and shall vary no more than 10 percent with the average building height along the street for which it is addressed.

40.00 FOUNDATION HEIGHT OF NEW CONSTRUCTION

- a. New construction in residential areas must have foundation height at least one foot above grade on the front wall. No building shall be constructed at grade in the historic district.
- b. Brick construction must have the foundation level delineated through some type of belt course such as soldier or sailor coursing.

41.00 PRIMARY ENTRANCES

- a. New buildings must have their main entrance(s) facing the street.

42.00 NEW CONSTRUCTION (IN THE COLLEGE HILL HISTORIC DISTRICT) REQUIRES A FRONT PORCH

- a. New construction in the College Hill Historic District shall be built with a front porch. The design, placement, and height of these porches shall be compatible with adjacent buildings along the block.
- b. New porches shall not be screened.
- c. Porches shall be at least six feet deep and have simple columns and balusters.
- d. Oversized porches or balconies not in keeping with structures in the district shall not be constructed.

43.00 RHYTHM OF DOOR AND WINDOW OPENINGS

- a. New construction must maintain the rhythm and spacing of window and door openings (vertically and horizontally) of adjacent historic structures.
- b. Front walls visible from the street shall not have blank walls or walls with only one door or window opening.
- c. Window and door openings shall not exceed the height and width ratios of adjacent buildings by more than ten percent (10 percent).

44.00 BUILDING SETBACKS

- a. Side yard setbacks for new construction shall maintain the rhythm and spatial arrangements found along the block. Refer to Section 60.00.
- b. Front-yard setbacks of new construction shall reinforce and maintain existing setbacks consistent with average setbacks along the block.

45.00 ROOF

- a. New construction shall follow the architectural styles of the structure.
- b. Flat or mansard roofs shall not be constructed in the residential areas because they are not compatible with historic structures in the historic zoning districts.
- c. Roof slope ratio shall be between the minimum of 6:12 and maximum of 12:12. Roof eaves shall be a minimum of 12 inches.

46.00 EXTERIOR MATERIALS

- a. Weatherboard, clapboard, shiplap siding, brick and stone are appropriate exterior siding materials for newly constructed buildings. The material choice must be compatible with the architectural style of the structure. Artificial sidings of aluminum, vinyl, stucco and artificial stucco shall not be allowed. Rigid cementitious composition siding such as Hardiboard may be used.
- b. Brick buildings shall be compatible with historic brick buildings in color.
- c. Porch details such as columns and railings shall be of wood or brick. Aluminum, wrought iron, or other metals shall not be used as front porch elements. Refer to Section 59.00.
- d. Visible foundations shall be brick, smooth concrete block or poured concrete. If smooth concrete blocks or poured concrete is used, the foundation must be covered with brick, stone, or stucco. Exposed split face block foundations are prohibited.
- e. Acceptable roof materials are asphalt shingles, metal standing seam, tin (galvanized metal), and real or synthetic slate. Wood shingle roofs are prohibited.

47.00 ADDITIONS TO BUILDINGS

- a. Additions to buildings shall not be constructed on front walls visible from the street. Rear and side walls not readily visible from the street are appropriate locations for additions.
- b. Additions shall be compatible yet distinguishable from the existing structure. Exact replications shall be avoided.
- c. Additions shall be compatible in height and shall not overwhelm or dominate the original structure. Total square footage of additions shall be limited to no more than 50 percent of the square footage of the original building or 1,000 square feet, whichever is greater. This does not apply to apartments or duplexes which can not expand since they are nonconforming uses.

49.00 RELOCATING HISTORIC BUILDINGS WITHIN OR OUTSIDE A DISTRICT

- a. A building or structure in a historic district shall not be moved or relocated out of the district if the building or structure retains its architectural and historical integrity.
- b. A building or structure that does not contribute to the architectural and historical character of a district may be moved or relocated if its removal would result in a more positive visual appearance to the district.
- c. Historic buildings shall not be moved within an historic district except where threatened with demolition or loss of integrity of site and setting.
- d. Buildings, which are moved to another location within a district, shall be compatible with buildings adjacent to the new location in style, height, scale, materials, and setback, similar in site and setting.

50.00 RELOCATING BUILDINGS INTO A DISTRICT

- a. Relocation of an historic building into a district may appropriate if it does not result in the loss of a historic building on the site to which it is moved.
- b. A building may be moved into a district if it maintains and supports the district's architectural character through its style, height, scale, massing, materials, texture, site, and setting.

51.00 DEMOLITION

- a. Historic buildings in Maryville's historic districts shall not be demolished unless one or more of the following conditions are met:
 1. Where public safety and welfare requires the removal of a structure or building;
 2. Where economic hardship has been demonstrated, proven, and accepted by the Maryville Historic Zoning Commission;

3. Where a Structural Engineer or Architect demonstrates the structural instability or deterioration of a property through a report. Such a report must clearly detail the property's physical condition, reasons why rehabilitation is not feasible, and cost estimates for rehabilitation versus demolition. In addition to this report there must be a separate report that details future action on the site.
4. Where buildings have lost their original architectural integrity and no longer contribute to the character of a district.

52.00 ADDITIONAL OFFICE AND COMMERCIAL-RELATED BUILDING GUIDELINES

52.10 NEW CONSTRUCTION

- a. New construction on vacant lots shall be differentiated from surrounding historic structures and shall be compatible with the massing, scale, size, and architectural features of adjacent buildings.

52.20 ADDITIONS

- a. Additions made to structures that existed at the date of the adoption of the historic district shall be differentiated from the existing structure yet compatible with the architectural style, materials, roof forms, windows and doors.

52.30 HEIGHT

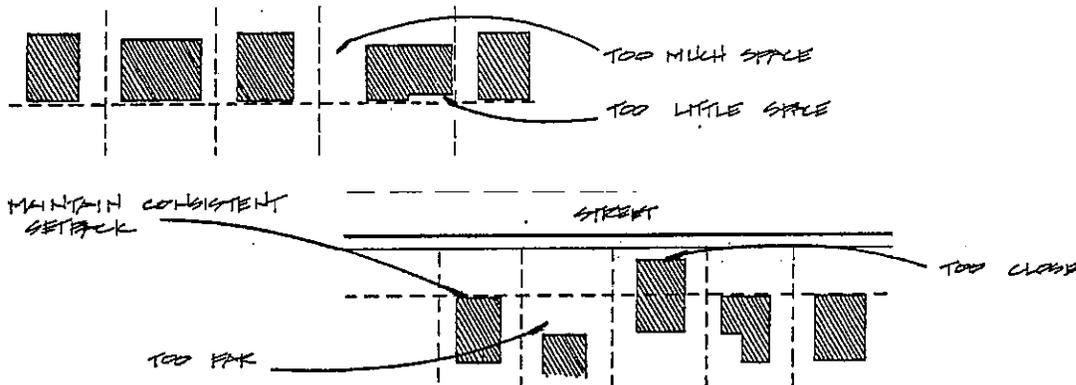
- a. New construction shall vary no more than 10 percent with the average building height along its block.

52.40 BUILDING MATERIALS

- a. New building materials shall be comparable with historic materials;
- b. Exterior wall materials of metal, aluminum, vinyl, concrete block, glass block, stucco, tile and wide expanses of glass shall not be allowed unless additions are proposed to buildings which already embody such materials.

52.50 SETBACKS

- a. New buildings shall reinforce and maintain existing setbacks of adjacent structures.



52.60 SIGNS

- a. Freestanding signs shall be no higher than eight feet and its post shall be no closer than ten feet from the property line.
- b. Hanging signs at porch eaves are appropriate. Also refer to Section 5.00 Signs.

53.00 has been combined with Section 36.00 formerly with the heading "Outbuildings" which has been changed to Carports, Garages and Sheds.

53.00 RESERVED

54.00 DEMOLITION BY NEGLIGENCE

Sec. 900. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building means any occupied or vacant walled or roofed structure or part thereof used for human occupation or intended to be so used and include any garages, outbuildings, and appurtenances belonging thereto or usually enjoyed therewith.

Demolition by Neglect means neglect in maintaining, repairing, or securing a building in an historic district that results in deterioration of an exterior feature of the building, or the loss of the structural integrity of the building, including the existence of any defect listed in section 904.

Owner means any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises in fee simple and every mortgagee of record.

Parties in interest means all individuals, associations, or corporations who have interests of record in building, or parcel of land or who have actual possession thereof.

Premises means a lot, plot, or parcel of land, including any buildings thereon.

Undue Economic Hardship means the inability of the owner and parties in interest to obtain a reasonable return or a reasonably beneficial use from the building that is the subject of demolition by neglect, or the inability of the owner and parties in interest to finance the required repairs to the building.

Sec. 901. Findings.

It is found that some buildings in the historic districts in the city are or may be allowed to be essentially demolished by neglecting repair to such buildings and that such neglect is detrimental to the protection, preservation, and enhancement of historic sites and buildings in such districts, to property values in the districts, and to the health, safety, and welfare of the city and its residents. It is further found that, to prevent such demolition by neglect, T.C.A. section 1307-407(b) authorizes the governing body of a municipality to enact an ordinance governing demolition by neglect of any building within an established historic district.

Sec. 902. Enforcing official.

The building official is designated as the public officer who shall exercise the powers prescribed in this article.

Sec. 903. Powers of building official.

The building official is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and requirements of this article, including the following powers, in addition to others granted in this article:

- (1) Investigate conditions in the historic districts of the city in order to determine which buildings are subject to demolition by neglect.
- (2) Administer oaths and affirmations, examine witnesses, and receive evidence.
- (3) Enter upon premises for the purposes of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to persons in possession.

Sec. 904. Prevention of demolition by neglect.

The exterior features of any building located in any historic districts shall be preserved against decay and deterioration, and kept free from structural defects by the owner thereof or parties in interest. The owner or parties of interest shall repair such exterior features if they are found to be deteriorating, or if their condition is contributing to deterioration, including but not limited to the following defects:

- (1) Deterioration of exterior walls or other vertical supports rendering such components incapable of carrying imposed load, or that causes leaning, sagging, splitting, listing, or buckling.

- (2) Deterioration of roofs, roof supports, joists, or other horizontal components rendering such components incapable of carrying imposed loads, or that causes leaning, sagging, splitting, listing, or buckling.
- (3) Deterioration, leaning, or settling of chimneys.
- (4) Deterioration or crumbling of exterior stucco, mortar, or masonry surfaces.
- (5) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.
- (6) Ineffective waterproofing of exterior walls, roofs, or foundation, including broken windows or doors.
- (7) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
- (8) Rotting, holes, and other forms of decay.
- (9) Unsafe electrical or mechanical conditions constituting a fire or safety hazard.
- (10) Deterioration of any component so as to create a hazardous condition that could lead to a claim that demolition is necessary for public safety.
- (11) Deterioration of any exterior features so as to create or permit the creation of any hazardous or unsafe condition to life, health, or other property.

Sec. 905. Institution of action and notification of hearing.

(a) Whenever a complaint is filed with the building official by the Historic Zoning Commission, by at least five (5) residents of the city, or by a city building inspector charging that a building in any historic district is threatened with demolition by neglect as set out in Section 904, or whenever it appears to the building official that any building is threatened by demolition by neglect, the building official shall, after making a preliminary investigation and such investigation discloses a basis for the charges, issue and cause to be served upon the owner and parties in interest, as the same may be determined by reasonable diligence, of such building, a complaint stating the charges in that respect.

(b) The complaint shall contain a notice that a hearing will be held before the building official at a time and place therein fixed, not less than ten (10) days nor more than thirty (30) days after the service of the complaint. The notice shall also state that the owner and parties in interest shall have the right to file an answer to the complaint, appear in person, or otherwise, and to give testimony at the time and place fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the building official.

Sec. 906. Hearing Procedure.

- (a) A record of the entire hearing shall be made by tape recording or by other means of permanent recording determined appropriate by the building official. A recording of the proceedings shall be made available to all parties upon request and upon payment of a fee established by the City Council.
- (b) Oral evidence shall be taken only on oath or affirmation.
- (c) Hearsay evidence is admissible and may be used to support a finding.
- (d) Any relevant evidence shall be admitted if it is the type of evidence upon which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction of this state.
- (e) Irrelevant and unduly repetitious evidence shall be excluded.
- (f) Each party shall have the following rights, among others:
 - (1) To call and examine witnesses on any matter relevant to the issues of the hearing;
 - (2) To introduce documentary and physical evidence;
 - (3) To cross-examine opposing witnesses on any matter relevant to the issue of the hearing;
 - (4) To refute the evidence against the party; and
 - (5) To representation by counsel.

Sec. 907. Determination of and further notice by building official.

- (a) If, after such notice and hearing as provided for in section 905, the building official determines that the building in question has suffered demolition by neglect, the building official shall state in writing findings of fact in support of such determination and shall issue and cause to be served upon the owner, and/or parties in interest, an order requiring repairs, improvements, and/or correction of defects, within the time specified, of those elements of the building that are deteriorating, contributing to deterioration, or deteriorated. Any repairs, improvements, and/or correction of defects instituted in compliance with this section shall be made in conformance with the zoning and building codes.
- (b) In the event the owner, and/or other parties in interest desire to petition for a claim of undue economic hardship, the order of the building official shall be stayed until after a determination in accordance with the procedures of section 908.

55.00 ECONOMIC HARDSHIP

Sec. 908. Undue economic hardship.

(a) The building official may exempt a property from a demolition by neglect order if the building official finds that the owner and parties of interest have proven the order to repair creates undue economic hardship on the owner and parties in interest. An application for a determination of undue economic hardship by the owner and parties at interest shall be made, on a form prepared by the building official, not more than thirty (30) days after delivery of the order finding demolition by neglect. The application must include photographs of the building, information pertaining to the historic significance of the site, if any, and all information required by the building official. All owners and parties of interest must submit the application under oath. The burden of proof of the undue economic hardship is on the owner and parties in interest.

(b) The application shall include the information specified in subparagraph (a), and the building official may require that an owner and parties in interest furnish such additional information the building official deems relevant to a determination of undue economic hardship.

(c) In the event any of the required information is not reasonably available to the owner and parties in interest, and cannot be readily obtained, the owner and parties in interest shall describe the reasons why such information cannot be obtained.

(d) The building official shall hold a hearing on the application within thirty (30) days of the timely receipt of such application. Notice will be given and hearing procedures followed in the same manner as set forth in sections 905(b) and 906. The owner and parties in interest may submit such relevant information they deem appropriate to prove undue economic hardship, but at a minimum shall submit to the building official for his or her review at least the following information:

- (1) Nature of ownership, legal possession, custody, and control;
- (2) Financial resources of the owner and parties in interest;
- (3) Cost of the repair or correction with supporting documentation from licensed contractors;
- (4) Valuation of the land and improvements;
- (5) Real property taxes for each of the previous two (2) years and the appraised value of the property for those years established by the property assessor for property tax purposes;
- (6) Amount paid for the property, date of purchase, and party from whom purchased, including a description of any relationship between the grantor and grantee, or other means of acquisition of title, such as by gift or inheritance;
- (7) Annual debt service on the property, if any, for the previous two (2) years;

(8) The marketability of the property for sale or lease, considered in relation to any listing of the property for sale or lease, and price asked and offers received, if any, within the previous two (2) years. This should include testimony and relevant documents regarding:

(A) Any real estate broker or firm engaged to sell or lease the property;

(B) Reasonableness of the price or rent sought by the applicant; and

(C) Any advertisements placed for the sale or lease of the property;

(9) If the property is commercial or income producing property, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two (2) years as claimed as deductions on United States tax returns; and debt service, if any, on the property, if not including as an operating or maintenance expense;

(10) Itemized operating and maintenance expenses for the previous two (2) years, including proof that adequate and competent management procedures were followed;

(11) All appraisals obtained within the previous two (2) years by the owner or parties in interest or others in connection with the purchase, financing, attempted sale, or ownership of the property;

(12) Any federal income tax returns on or relating to the property for the previous two (2) years; and

(13) Any other information the building official deems relevant to the determination of undue economic hardship.

(e) Undue economic hardship does not include self-created hardships, willful, or negligent acts of the owner or parties in interest, purchase of the property for substantially more than the market value, failure to perform normal maintenance and repairs, failure to diligently solicit and retain tenants, or failure to provide normal tenant improvements.

(f) Within thirty (30) days of the hearing on the application, the building official shall make a written finding of whether undue economic hardship exists, and shall enter the reasons for such finding into the record. In the event of a finding of no undue economic hardship, the building official shall issue an order for repair, improvements, or correction of defects within the time specified. In the event of a finding of undue economic hardship, the finding shall be accompanied by a recommended plan to relieve the economic hardship. This plan may include, but not be limited to, loans or grants from the city, county, state, or other public, private, or non-profit sources, acquisition by purchase or eminent domain, changes in applicable zoning regulations, or relaxation of the provisions of this article sufficient to mitigate the undue economic hardship.

Complaints or orders issued by the building official under this article shall be served upon persons, either personally or by certified mail, return receipt requested, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the building official in the exercise of reasonable diligence, and the building official shall make an affidavit to that effect, then the serving of such complaints or orders upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in a newspaper printed and published in the city. A copy of such complaints or orders shall be posted in a conspicuous place on the premises affected by the complaint or order. In addition, a copy of such complaints or orders shall also be filed for record in the register's office of the county in which the building is located, and such filing shall have the same force and effect as other lis pendens notices provided by law.

Sec. 910. Remedies.

If the owner, and/or parties in interest, fail or refuse to comply with the order of the building official within the time specified, the city may apply for appropriate equitable remedies to enforce the provisions of this article, including an order directing that improvement or repairs be made, or that other action be taken that is necessary to bring the property in compliance with this article, and if the city shall make the repairs it shall have a lien as set out in section 911.

Sec. 911. Creation of lien and payment into court.

The amount of the cost of such repairs or corrections ordered by the court and made or procured by the building official shall upon the filing of the notice with the office of the register of deeds of the county in which the property lies, be a lien in favor of the city against the real property on which such cost was incurred, second only to liens of the state, county and city for taxes; any lien of the city for special assessments; and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. The city tax collector shall collect these costs at the same time and in the same manner as property taxes are collected and shall include penalties and interest calculated as if it were overdue property taxes. However, nothing in this section shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Sec. 912. Appeals from decision of building official.

- (a) The aggrieved party, against whom the decision of the building official is made, may have a review of the decision by petition for a common law writ of certiorari, addressed to the Chancery Court at Maryville. Such petition shall be filed within sixty (60) days from the date the decision or order of the building official is made and written notice thereof given the aggrieved party.
- (b) Immediately upon the grant of the common law writ of certiorari and service thereof, the building official shall cause to be made, certified, and forwarded to such court a complete transcript of the proceedings in the cause by the building official.
- (c) The action may be reviewed by the court in which the petition for certiorari is filed and shall be heard solely upon the transcript of the proceedings before the

building official, and neither party shall be entitled to introduce new evidence in such court.

(d) Any party dissatisfied with the decree of the court hearing the cause may, upon giving bond as required by law, take an appeal, as is made and provided by law, where the case shall be heard upon the transcript of the record from the court in which the cause is heard.

Sec. 913. Rules.

The city council may make rules and regulations necessary for the administration and enforcement of this article.

Sec. 914. Powers conferred are supplemental.

Nothing in this article shall be construed to abrogate or impair the powers of the city with regard to the enforcement of the provisions of its charter or any other ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this article shall be in addition and supplemental to the powers conferred by the charter and other laws. Nothing contained within this article shall diminish the power of the city to declare a building unsafe or a violation of any building or housing code in the city.

56.00 REFERENCE TO OTHER REGULATIONS APPLICABLE TO THE COLLEGE HILL HISTORIC DISTRICT

Following are land development regulations codified in the City of Maryville Land Development Regulations that are applicable to all properties in the College Hill Historic District as referenced.

Article VIII, Section 5: Repair, Maintenance and Reconstruction Sets Forth:

- (a) Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted or encouraged. Major renovation, i.e., work estimated to cost more than twenty-five (25) percent of the assessed value of the structure to be renovated (on most recent tax assessment) may be done only in accordance with the provisions of paragraph (b) herein.
- (b) If a structure located on a lot where a nonconforming situation exists with damage to an extent that the costs of repair or replacement would exceed twenty-five (25%) percent of the assessed value of the damaged structure (on the most recent tax assessment) then the damaged structure may be repaired or replaced only in accordance with a zoning permit issued pursuant to this section and in compliance with existing zoning and applicable codes. This sub-section not apply to structures used for single-family residential purposes which structures may be reconstructed pursuant to a zoning permit just as they may be enlarged or replaced as provided in Subsection 4(e). This subsection does not apply to duplex and multi-family structures in the Oak Park Historic District, Zone XVI. This sub-section further does not apply to duplex and multi-family residential structures in the College Hill Historic District Zone XIII where such duplex or multi-family residential structures were originally designed and constructed for duplex or multi-family use and where such duplex and multi-family use has been continuous since the time of construction. In such case, a duplex in Zone XIII that was originally

designed or constructed as a duplex could be rebuilt, repaired or replaced as a duplex. Likewise, a multi-family residential structure in Zone XIII originally designed or constructed as a multi-family structure could be rebuilt, repaired or replaced as a multi-family structure.

Article IX, Section 11: College Hill Historic District Sets Forth:

The College Hill Historic District has the largest concentration of extant historic structures in the City of Maryville. Since the 1940s, new construction has been limited in the district and it retains much of its original character. In order to preserve and enhance the integrity of this important area of Maryville, design guidelines specific to this District are in place to ensure historically appropriate and compatible construction. Land use controls allow only single-family residential uses, and prohibit further conversion of homes into duplexes or multiplexes. All provisions set forth regarding this district are in ARTICLE IX, PART 1, SECTION 11. (Ord. 01-18)

(a) Lot Dimensions:

- (1) Minimum Lot Area:** All lots shall be at least 14,000 square feet in area.
- (2) Setbacks** shall be consistent with the maintenance of existing setbacks of adjacent structures, and compatible with the massing, scale, size and architectural features of such structures.
- (3) Lot Frontage:** Every lot shall be provided with a minimum of sixty (60) feet of frontage on an existing or new public/private street as provided in Article XIV, Section 7.
- (4) Flag Lots:** Creation of flag lots, as defined in Article II, Section 1, may not be permitted within the College Hill Historic District, unless a continuous width along the narrow (access) portion of the lot is at least 60 feet wide.

(b) The “College Hill Historic District Design Guidelines” were adopted to regulate the following items in the College Hill Historic District: Landscaping, Driveways, Parking Lots, Fencing, Lighting, Signs, Foundation Walls, Porch Location, Porch Flooring, Porch Columns, Porch Railing, Exterior Stairs, Exterior Staircases, Handicap Ramps, Entrances, Entrance Elements, Screen and Storm Doors, Windows, Storm Window, Exterior Shutters and Blinds, Siding, Roof Forms, Roof Materials, Chimney, Ornamentation, Paint Awnings, HVAC, Satellite Dishes, Solar Panels, Recreational Structures, New Construction, IX – 27, Reconstruction, Height, Porch Configuration, Doors and Windows, Setbacks, Rhythm, Building Materials, Entrances, Additions, Roof Forms, Relocation and Demolition. (Ord. 01-18)

(c) Land Uses: Single-family only. In order to maintain the integrity and to recognize the fragility of the college hill historic district, there must not be further conversion of homes from single family to duplexes or multiplexes.

- (1) Residential:** Existing duplexes and apartments at the time of this ordinance’s passage may be grand fathered uses. Otherwise, only single-family residential uses will be allowed within the entirety of the College Hill Historic District.
- (2) Mixed Uses:** Mixed Use development is prohibited in the College Hill Historic District.
- (3) Prohibited Uses:** All uses except single family residential uses. (Ord. 00-16)

Article IX, Section 12: College Hill Historic Overlay Zone Sets Forth:

The College Hill Historic Overlay Zone has been created and the “Design Guidelines for the College Hill Historic District” in order to preserve the historic character through the application of design guidelines. Any construction requiring a building permit must apply for a Certificate of Appropriateness at the Planning Department and have their building plans reviewed by the Historic Zoning Commission. (Ords. 98-44, 00-15)

Article IX, Part I. Zoning Districts, Section 1: Establishment of Districts Sets Forth:

District XIII: College Hill Historic District: The College Hill Historic District has the largest concentration of extant historic structures in the City of Maryville. Since the 1940s, new construction has been limited in the district and it retains much of its original character. In order to preserve and enhance the integrity of this important area of Maryville, design guidelines specific to this District are in place to ensure historically appropriate and compatible construction. Land use controls allow only single family residential uses, and prohibit further conversion of homes into duplexes or multiplexes. All provisions set forth regarding this district are in ARTICLE IX, PART 1, SECTION 11. (Ord. 00-16)

District XIV: College Hill Historic Overlay District: The College Hill Historic Overlay Zone has been created and the “Design Guidelines for the College Hill Historic District” in order to preserve the historic character through the application of design guidelines. Any construction requiring a building permit must apply for a Certificate of Appropriateness at the Planning Department and have their building plans reviewed by the Historic Zoning Commission. All provisions set forth regarding this district are in ARTICLE IX, PART 1, SECTION 12. (Ords. 98-44, 00-15).

Article XII Density and Dimensional Regulations and Site Plan Review Process Part I. Density and Dimensional Regulations Section 1: Minimum Lot Size Sets Forth:

Subject to the provisions of Section 7 (Cluster Subdivisions) and 8 (Integrally Designed Subdivisions), all lots in the following zones shall have at least the amount of square footage indicated in the following table:

<u>Zone</u>	<u>Minimum Square Feet</u>
College Hill Historic District (Ord. 01-18)	14,000

57.00 REFERENCE TO OTHER REGULATIONS APPLICABLE TO THE OAK PARK HISTORIC DISTRICT

Following are land development regulations codified in the City of Maryville Land Development Regulations that are applicable to all properties in the Oak Park Historic Districts as referenced.

Article VIII, Section 5: Repair, Maintenance and Reconstruction Sets Forth:

(a) Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted or encouraged. Major renovation, i.e., work estimated to cost more than twenty-five (25) percent of the assessed value of the

structure to be renovated (on most recent tax assessment) may be done only in accordance with the provisions of paragraph (b) herein.

- (b) If a structure located on a lot where a nonconforming situation exists with damage to an extent that the costs of repair or replacement would exceed twenty-five (25%) percent of the assessed value of the damaged structure (on the most recent tax assessment) then the damaged structure may be repaired or replaced only in accordance with a zoning permit issued pursuant to this section and in compliance with existing zoning and applicable codes. This sub-section not apply to structures used for single-family residential purposes which structures may be reconstructed pursuant to a zoning permit just as they may be enlarged or replaced as provided in Subsection 4(e). This subsection does not apply to duplex and multi-family structures in the Oak Park Historic District, Zone XVI. This sub-section further does not apply to duplex and multi-family residential structures in the College Hill Historic District Zone XIII where such duplex or multi-family residential structures were originally designed and constructed for duplex or multi-family use and where such duplex and multi-family use has been continuous since the time of construction. In such case, a duplex in Zone XIII that was originally designed or constructed as a duplex could be rebuilt, repaired or replaced as a duplex. Likewise, a multi-family residential structure in Zone XIII originally designed or constructed as a multi-family structure could be rebuilt, repaired or replaced as a multi-family structure.*

Article IX, Section 14. Oak Park Historic District Sets Forth:

The Oak Park Historic District has a large concentration of extant historic structures in the City of Maryville. Since the 1940's, new construction has been limited in the district and it retains much of its original character. In order to preserve and enhance the integrity of this important area of Maryville, design guidelines specific to this District are in place to ensure historically appropriate and compatible construction.

- (a) Land Uses: The Oak Park Historic District shall not change adopted underlying zoning district categories at the time of the Oak Park Historic District's passage, nor preclude property owners from seeking future variances, rezonings and/or special exceptions available by law. At the time of the Oak Park Historic District's passage, the historic district includes property zoned Residential, Office and Business and Transportation. Within Zone I, "Residential," further conversion of single family homes into duplexes and multi-family uses shall be prohibited and new development is restricted to allow only single family homes. The Oak Park Historic District Design Guidelines shall apply to Zone I, "Residential." Within Zone II, "Business and Transportation: and Zone VI, "Office, " all applicable land development regulations set forth in the Maryville Land Development Regulations shall apply to property and their respective zoning districts within the historic district boundaries with the addition of the Oak Park Historic District Design Guidelines. In instances where the Land Development Regulations conflict with the Oak Park Historic District Design Guidelines, the Design Guidelines shall prevail. (Ord. 00-37)*
- (b) Lot Dimensions: The lot sizes shall be a minimum of 16,000 square feet if used for residential purposes, regardless of the underlying zoning category. The minimum lot sizes of property within the Oak Park Historic District used for non-residential uses shall comply with Article XII, Section I, Minimum Lot Size.*

In addition, all lot dimensions shall be consistent with the maintenance of existing setbacks of adjacent structures and shall be compatible with the massing, scale, size and architectural features of such structures. (Ord. 00-37)

- (c) *The “Oak Park Historic Design Guidelines” were adopted to regulate the following items in the Oak Park Historic District: Landscaping, Driveways, Parking Lots, Fencing, Lighting, Signs, Foundation Walls, Porch Location, Porch Flooring, Porch Columns, Porch Railing, Exterior Stairs, Exterior Staircases, Handicap Ramps, Entrances, Entrance Elements, Screen and Storm Doors, Windows, Storm Windows, Exterior Shutters and Blinds, Siding, Roof Forms, Roof Materials, Chimneys, Ornamentation, Paint, Awnings, HVAC, Satellite Dishes, Solar Panels, Recreational Structures, New Construction, Reconstruction, Height, and Demolition. (Ords. 00-12, 00-37)*

Article IX, Section 15: Oak Park Historic Overlay Zone Sets Forth:

The Oak Park Historic Overlay Zone has been created and the “Design Guidelines for the Oak Park Historic District” in order to preserve the historic character through the application of design guidelines. Any construction requiring a building permit must apply for a Certificate of Appropriateness at the Planning Department and have their building plans reviewed by the Historic Zoning Commission. (Ord. 00-13).

Article XII Density and Dimensional Regulations and Site Plan Review Process, Part I. Density and Dimensional Regulations, Section 1: Minimum Lot Size Sets Forth:

Subject to the provisions of Section 7 (Cluster Subdivisions) and 8 (Integrally Designed Subdivisions), all lots in the following zones shall have at least the amount of square footage indicated in the following table:

<u>Zone</u>	<u>Minimum Square Feet</u>
<i>Residential in Oak Park Historic District (Ord. 00-37)</i>	<i>16,000***</i>

**** Refer to Article VIII, Section 5. regarding Oak Park Historic District nonconforming situations of duplexes and multi-family structures*

58.00 APPEALS

Any person who may be aggrieved by any final order or judgment of the Historic Zoning Commission may have such order of judgment reviewed by the courts as provided in Title 27, Chapter 8, Tennessee Code Annotated. Decisions can not be appealed to any of the City of Maryville’s Boards, Commissions or Council. Therefore, it is extremely important that Applicants strive to design proposals in compliance with these adopted guidelines, prepare complete applications and make every attempt to attend the Commission meeting when their applications will be reviewed.

59.00 NEW AND EMERGING MATERIALS THAT SIMULATE TRADITIONAL MATERIALS

When deteriorated, damaged, or lost features of a historic building need repair or replacement, it is almost always best to use historic materials. In limited circumstances, substitute materials that imitate historic materials may be considered by the Historic Zoning Commission if the appearance and properties of the historic materials can be matched closely and no damage to the remaining historic fabric will result. The Historic Zoning Commission may consider the substitution based on site-specific conditions, presentation of a material sample by the Applicant, and criterion or criteria discussed in the National Park Service Publication *Preservation Brief Number 16: Use of Substitute Materials on Historic Building Exteriors*, National Historic Preservation Act of 1966, as amended, Secretary of the Interior. The publications may be obtained by calling Tom Weitnauer, City of Maryville, at 981-1332.

60.00 CONFIRMATION OF APPROVED SETBACKS TO BOARD OF ZONING APPEALS

The Historic Zoning Commission has the authority to apply some flexibility on setback requirements based on criterion herein. In circumstances when the Commission believes an Applicant's proposed setback should be approved yet also believes the setback is extraordinarily close to a property line in relation to the height of a structure, the Commission will seek confirmation by the Maryville Board of Zoning Appeals. In such cases, the Applicant shall be required to complete a BZA application, pay required application fees, and present his/her application to the BZA for review.

61.00 ENFORCEMENT PROCEDURES

The City of Maryville's Division of Engineering, Planning, and Codes enforce these historic zoning regulations. If a property undergoes a modification that has not been approved during a meeting of the Historic Zoning Commission or which has not been determined by City Staff to be ordinary repair and maintenance, then the property owner will receive correspondence of the violation. The property owner will be instructed of the modification violation and will be given an application and a deadline to file such application for review of the item by the Historic Zoning Commission. If the property owner ignores the notification, the item will be reviewed by the Commission and the action will be reported to the owner. If the item is denied, the owner will be given a deadline to correct and most likely remove the item of the violation. If the modification is not removed by the date set forth in the notification, the Code Department will begin its enforcement procedures just as any other code violation within the city limits. Such procedures include a citation to court, which may result in fines.

62.00 PROCEDURE TO APPLY FOR NEW HISTORIC DISTRICT DESIGNATION

Property owners outside of designated historic districts may apply to the Historic Zoning Commission to request their property and neighborhood be considered for historic zoning designation. The application may be obtained by calling the Development Services Department at 273-3507.

**63.00 BUILDING CODES AND LIFE SAFETY CODES TAKE PRECEDENCE OVER
HISTORIC DISTRICT REGULATIONS**

In cases where there is a conflict between a regulation set forth in these Historic Zoning Regulations and applicable Building Codes or Life Safety Codes, the Building Codes and Life Safety Codes shall take precedence

TENNESSEE CODE, TITLE 13, CHAPTER 7, PART 4, HISTORIC ZONING

Part 4
—Historic Zoning

13-7-401. Purposes. —

13-7-402. Historic zones established. —

13-7-403. Historic zoning commission — Regional historic zoning commissions. —

13-7-404. “Historic district or zone” defined. —

13-7-405. Recommendations concerning creation of historic districts or zones. —

13-7-406. Review guidelines — Public hearing — Notice. —

13-7-407. Applications for permits for construction in historic zones — Certificates of appropriateness. —

13-7-408. Issuance or denial of certificate of appropriateness — Guidelines. —

13-7-409. Appeals. —

13-7-410. Applicability of part relative to regional historic zoning commissioners. —

13-7-401. Purposes. —

The purpose of this part is to promote the educational, cultural, and economic welfare of the people of the state of Tennessee by enabling municipalities and counties to preserve and protect historic structures, areas and districts which serve as visible reminders of the history and cultural heritage of the state and the United States. Furthermore, it is the purpose of this part to strengthen the economy of the state and of the adopting governmental entities by stabilizing and improving the property values in historic areas, by encouraging rehabilitation and new construction and development that will be harmonious with the historic structures, areas and districts, and by preserving and rehabilitating buildings which are of significance to historic districts.

[Acts 1965, ch. 222, §§ 1, 2; T.C.A. (orig. ed.), § 13-416; T.C.A., § 13-716; modified; Acts 1982, ch. 814, § 1.]

13-7-402. Historic zones established. —

(a) In order to accomplish the purpose of this part, the legislative body of any county or municipality is empowered to establish special historic districts or zones, and to regulate the construction, repair, alteration, rehabilitation, relocation and demolition of any building or other structure which is located or is proposed to be located within the boundaries of any historic district or zone, in accordance with the conditions and procedures specified in this part.

(b) A historic district or zone may be superimposed on other districts or zones, including the zoning maps, established by any other zoning ordinance or regulation, whether established before or after the establishment of a historic district or zone.

(c) [Deleted by 2004 amendment.]

(d) The permitted or prohibited property uses, the zoning procedures and other regulations otherwise applicable within a historic district or zone under the provisions of any other zoning ordinance or regulation shall apply to a historic district or zone, except when in conflict with the provisions of this part or of any ordinance or regulation adopted pursuant to this part, but in the event of such conflict, the provisions of this part and of any ordinance or regulation adopted pursuant to this part shall control.

[Acts 1982, ch. 814, § 1; 1987, ch. 361, §§ 3, 4; 2004, ch. 632, § 1.]

13-7-403. Historic zoning commission — Regional historic zoning commissions. —

(a) The local legislative body shall create a historic zoning commission of no less than five (5) and no more than nine (9) members which shall consist of a representative of a local patriotic or historical organization; an architect, if available; a person who is a member of the local planning commission at the time of such person's appointment; and the remainder shall be from the community in general. The historic zoning commission shall be appointed by the chief executive of the county or municipality, subject to confirmation by the local legislative body. The terms of members of the historic zoning commission shall be five (5) years, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member but not more than two (2) members shall expire each year. All members shall serve without compensation. The commission may adopt rules and regulations consistent with the provisions of this part.

(b) (1) In any area of the state served by a regional planning commission created pursuant to chapter 3 of this title, the local legislative bodies of the region served by such commission may create a regional historic zoning commission. The regional historic zoning commission shall have no less than five (5) and no more than nine (9) members which shall consist of a representative of a local patriotic or historical organization; an architect, if available; a person who is a member of the regional planning commission, at the time of such person's appointment; one (1) member from each legislative body in the area served by the regional planning commission; and the remainder shall be from the community in general. An equal number of representatives shall be appointed by the chief executive of each county and/or municipality served by the regional planning commission, subject to the confirmation by the legislative body, except that the regional planning commission shall nominate the member of that commission who shall serve on the regional historic zoning commission and that member shall be confirmed by the legislative bodies of all the counties and/or municipalities within the area served by the regional planning commission. The terms of members of the regional historic planning commission shall be five (5) years, except that members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member, but no more than two (2) members, shall expire each year. The term of the member nominated from the regional planning commission shall be concurrent with the term on the regional planning commission, and the term of members from the local legislative body shall be concurrent with the terms on the local legislative body. All members shall serve without compensation. The commission may adopt rules and regulations consistent with the provisions of this part.

(2) The provisions of this subsection shall not apply in any county having a metropolitan form of government and having a population of not less than four hundred thousand (400,000) nor more than five hundred thousand (500,000) according to the 1980 federal census or any subsequent federal census. [Acts 1982, ch. 814, § 1; 1987, ch. 40, §§ 1, 7.]

13-7-404. “Historic district or zone” defined. —

Historic districts or zones may be established by a county or municipal legislative body, either as a part of a new zoning ordinance or as an amendment to existing ordinances. For the purpose of this part, “historic district or zone” is defined as a geographically definable area which possesses a significant individual structure or a concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and which meets one (1) or more of the following criteria:

(1) It is associated with an event which has made a significant contribution to local, state, or national history;

(2) It includes structures associated with the lives of persons significant in local, state, or national history;

(3) It contains structures or groups of structures which embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;

(4) It has yielded or may be likely to yield archaeological information important in history or prehistory; or

(5) It is listed in the National Register of Historic Places.

[Acts 1982, ch. 814, § 1; 1989, ch. 422, § 1.]

13-7-405. Recommendations concerning creation of historic districts or zones. —

(a) The historic zoning commission has the authority to submit recommendations to the county or municipal legislative body regarding the creation of historic districts and zones in accordance with the definition set forth in this part. Prior to establishing a historic district or zone, the county or municipal legislative body shall refer any historic district or zone proposal to the historic zoning commission for its recommendations, and the historic zoning commission shall furnish the legislative body its recommendations on such proposal in writing.

(b) (1) The regional historic zoning commission has the authority to submit recommendations to any county or municipal legislative body within the area served by the regional historic zoning commission regarding the creation of historic districts and zones in accordance with the definition set forth in this part. Prior to establishing a historic district or zone, the county or municipal legislative body of the area in which the establishment of the zone or district is being considered shall refer any historic district or zone proposal to the regional historic zoning commission for its recommendations, and the regional historic zoning commission shall furnish the legislative body its recommendations on such proposal in writing. In addition, the recommendation of the regional historic zoning commission shall be referred to the regional planning commission which shall consider the district or zone and refer its recommendation regarding the proposed district or zone to the legislative body in writing.

(2) The provisions of this subsection shall not apply in any county having a metropolitan form of government and having a population of not less than four hundred thousand (400,000) nor more than five hundred thousand (500,000) according to the 1980 federal census or any subsequent federal census.

[Acts 1982, ch. 814, § 1; 1987, ch. 40, §§ 2, 7.]

13-7-406. Review guidelines — Public hearing — Notice. —

Prior to the establishment of any historic district or zone, the historic zoning commission or the regional historic zoning commission also shall adopt for each such proposed district or zone a set of review guidelines, which it will apply in ruling upon the granting or denial of a certificate of appropriateness as provided for in this part. Such review guidelines shall be consistent with the purposes of this part and with regulations and standards adopted by the secretary of the interior pursuant to the National Historic Preservation Act of 1966, as amended, applicable to the construction, alteration, rehabilitation, relocation or demolition of any building, structure or other improvement situated within a historic district which has been certified by the secretary of the interior as a registered historic district. Reasonable public notice and opportunity for public comment, by public hearing or otherwise, shall be required before the historic zoning commission or the regional historic zoning commission adopts any such review guidelines.

[Acts 1982, ch. 814, § 1; 1987, ch. 40, § 3; 1989, ch. 422, § 2.]

13-7-407. Applications for permits for construction in historic zones — Certificates of appropriateness. —

(a) All applications for permits for construction, alteration, repair, rehabilitation, relocation or demolition of any building, structure or other improvement to real estate situated within a historic zone or district shall be referred to the historic zoning commission or the regional historic zoning commission, which shall have broad powers to request detailed construction plans and related data pertinent to thorough review of the proposal. The historic zoning commission or the regional historic zoning commission may also be authorized to review the construction, alteration, rehabilitation, relocation or demolition of any building, structure or other improvement on real property, whether privately or publicly owned, which is situated in a historic district or zone, and for which a permit is not required. No construction, alteration, repair, rehabilitation, relocation or demolition of any building, structure or other improvement to real property situated within a historic district or zone, for which the historic zoning commission or the regional historic zoning commission has been granted the authority to review and to grant or deny a certificate of appropriateness, shall be performed without the issuance of a certificate of appropriateness.

(b) The governing board of any municipality may enact an ordinance to prevent the demolition by neglect of any designated landmark or any building or structure within an established historic zone or district. Such ordinance shall provide appropriate safeguards to protect property owners from undue economic hardship.

[Acts 1982, ch. 814, § 1; 1987, ch. 40, § 4; 1991, ch. 309, § 1.]

13-7-408. Issuance or denial of certificate of appropriateness -- Guidelines. —

The historic zoning commission or the regional historic zoning commission shall, within thirty (30) days following the availability of sufficient data, grant a certificate of appropriateness with or without attached conditions or deny the certificate, and shall state the grounds for denial in writing. In its review of any such work to be undertaken in a historic district or zone, the historic zoning commission or the regional historic zoning commission shall apply the applicable review guidelines and give prime consideration to:

(1) Historic or architectural value of the present structure;

(2) The relationship of the exterior architectural features of such structure to the rest of the structures, to the surrounding area, and to the character of the district;

(3) The general compatibility of exterior design, arrangement, texture, and materials proposed to be used; and

(4) Any other factor, including aesthetic, which is reasonably related to the purposes of this part.

[Acts 1982, ch. 814, § 1; 1987, ch. 40, § 5.]

13-7-409. Appeals. —

Anyone who may be aggrieved by any final order or judgment of the historic zoning commission or regional historic zoning commission may have such order or judgment reviewed by the courts by the procedure of statutory certiorari, as provided in title 27, chapter 8.

[Acts 1982, ch. 814, § 1; 1987, ch. 40, § 6.]

13-7-410. Applicability of part relative to regional historic zoning commissioners. —

The provisions of this part relative to “regional historic zoning commissioners” shall not apply in any county having a metropolitan form of government and having a population of not less than four hundred thousand (400,000) nor more than five hundred thousand (500,000) according to the 1980 federal census or any subsequent federal census.

[Acts 1987, ch. 40, § 7.]

CHAPTER 3

HISTORIC ZONING COMMISSION

SECTION

14-301. Creation of historic zoning commission.

14-302. Powers and duties.

14-303. Jurisdiction.

14-304. Review of decision.

14-301. Creation of historic zoning commission. (5) In accordance with Tennessee Code Annotated, § 13-7-401 *et seq.* there is hereby created a historic zoning commission for the City of Maryville which shall officially be known and designated as the "Maryville Historic Zoning Commission."

(6) The commission shall be comprised of seven (7) members which consist of a representative of a local patriotic or historical organization; an architect, if available; a member of the Maryville Planning Commission at the time of such person's appointment; and the remainder shall be from the community in general.

(7) The members of the commission shall be appointed by the mayor, subject to confirmation by the council. The terms of the members shall be five (5) years, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member but not more than two (2) members shall expire each year. All members shall serve without compensation.

(8) The commission shall annually elect from its members a chairman, vice-chairman and a secretary and shall establish a meeting schedule which provides for meetings with sufficient frequency to enable the commission to act without undue delay. The commission may adopt rules and regulations consistent with the provisions of Tennessee Code Annotated, § 13-7-403(a). (1985 Code, § 11-201)

14-302. Powers and duties. (1) The Maryville Historical Zoning Commission shall review all permits for construction, alteration, repair, rehabilitation, relocation or demolition of any structure, or building in the designated zone, and further shall be authorized to review any construction, alteration, repair, relocation or demolition project on any structure not requiring a permit in accordance with Tennessee Code Annotated, § 13-7-407(a), and which according to adopted guidelines requires a certificate of appropriateness.

(2) Historic zones and boundaries shall be recommended by the historic zoning commission to the Maryville Regional Planning Commission and council of the City of Maryville.

(3) The commission shall present guidelines in each historical district to the planning commission for its recommendation to the council who shall approve or deny approval of the same. (1985 Code, § 11-202)

14-303. Jurisdiction. The historic zoning commission shall adopt rules and regulations regarding review of construction projects and issuance or denial of certificate of appropriateness for such projects. However, in all cases the commission shall review within thirty (30) days all applications for construction within the designated zone. If a certificate of appropriateness is denied then the applicant shall be informed of the commission's finding in writing no later than (7) days after the termination of the (30) day period. (1985 Code, § 11-203)

14-304. Review of decision. Any person who may be aggrieved by any final order or judgment of the historic zoning commission may have such order or judgment reviewed by the courts as provided in Tennessee Code Annotated, title 27, chapter 8. (1985 Code, § 11-204)

MARYVILLE HISTORIC ZONING COMMISSION BY-LAWS

- I. **PURPOSE.** To establish procedures for administering historic zoning in Maryville. This includes rules of procedures for the make-up and organization of the Commission and procedures for reviewing Certificates of Appropriateness.
- II. **GENERAL RULES.** The Maryville Historic Zoning Commission shall be governed by the terms of the City of Maryville Historic Zoning Ordinance number 93-11.
- II. **THE COMMISSION. Name of Commission.** The name of the Commission shall be the “Maryville Historic Zoning Commission” as established and provided for by Ordinance 93-11.

Office of the Commission. The office of the Commission shall be located in the City of Maryville Development Services Department.

IV. RESPONSIBILITIES AND DUTIES

- A. To review applications for nomination of local Historic Districts and Local Historic Landmarks in accordance with all provisions of Ordinance 93-11.
- B. To maintain guidelines for local historic districts and amendments needed.
- C. To grant or deny Certificates of Appropriateness and Certificates of Economic Hardship with respect to the Local Historic Districts or Landmarks when applicable in accordance with all provisions of Ordinance 93-11.
- D. To maintain a record of all proceedings to be available to the public.
- E. To maintain reports of the status of approved Certificates of Appropriateness and Certificates of Economic Hardships.
- F. To review historic site surveys as they relate to proposed historic districts.
- G. To maintain a qualified, competent personnel in accordance with 36 CFR 60 to review all proposed National Register nominations and properties with the City of Maryville as provided for by the Guidelines of the Certified Local Government Program.

V. ORGANIZATIONAL STRUCTURE

- A. **Number.** There shall be seven (7) members of the Commission as established and provided for by Ordinance 93-11.
- B. **Composition and Qualification of Members.** The Commission shall consist of a representative of a local historical organization; an architect, a member of the Maryville Regional Planning Commission, at the time of his/her appointment, and the remainder shall be from the community in general.
- C. **Terms of Office.** The terms shall be five (5) years except for the initially appointed members: one shall serve for (1) year, one for two (2) years, one for three (3) years, one for four (4) years, and one for five (5) years. Members of the Historic Zoning Commission may be removed from office for just cause by the City Council upon written charges and after a public hearing. When a vacancy occurs, the vacancy shall be filled within sixty (60) days for the unexpired term in the same manner as the original appointment. All members shall serve without compensation.
- D. **Method of Appointing Commissioners.** The Commissioners shall be appointed by the Mayor with the advice and consent of the Maryville City Council. All members should have a demonstrated interest or knowledge of historic preservation.

E. Meetings.

- a. Regular meetings of the Commission shall be held monthly on the third Tuesday of each month at five thirty (5:30) PM in the Maryville Municipal Center, except that when deemed expedient by the Chairman of the Commission, the meeting date and/or place may be changed. The order of business for Commission meetings shall be determined by the order of receipt of applications for any certificates or nomination. Meeting agendas will be advertised in the Daily Times at least one week in advance.
- b. Special meetings may be called by the Chair and Vice Chair of the Commission.
- c. Attendance at meetings. Any member of the Commission who is absent from three (3) regular consecutive meetings or is absent from six (6) or more regular meetings in a twelve-month period shall be removed from the Commission. A new commission member shall be appointed by the Mayor with the advice and comment of the Historic Zoning Commission.
- d. Quorum. A quorum will be met if a simple majority is present (4 members).
- e. Rules of Order. The latest edition of Roberts Rules of Order shall govern the meetings of the Commission unless otherwise required by these By-Laws, Maryville Ordinance 93-11, as it may be amended, or the statutes of the State of Tennessee.
- f. Conflict of Interest. Any member of the Historic Zoning Commission who shall have a direct or indirect interest in any decision of the Commission shall be disqualified from participating in the discussion, decision, or proceedings of the Historic Zoning Commission in connection therewith.
- g. No commission member shall in any manner discuss any application prior to the Commissions hearing on the application except as specified in these rules of procedure.
- h. Members of the Commission shall not express individual opinions on the final judgment of any application with any persons except in accordance with these rules.
- i. Each member of the Commission shall be thoroughly familiar with the Historic Zoning Ordinance, the State Enabling Legislation, and the adopted historic district design guidelines.

VI. OFFICERS

- A. From its own members, the Commission shall elect as officers of the Commission, a chair and a Vice-Chair.
- B. Duties: The Chair shall preside at all meetings of the Commission; shall have general supervision of the affairs of the Commission; shall perform all other duties as are incident to the office or are properly required of said office. The Vice Chair shall have such duties and responsibilities as are delegated by the Commission. In the absence of the Chair or in the event of his/her inability to preside, the Vice-Chair shall perform the duties of the Chair.
- C. Election. The Chairperson and Vice-Chair shall be elected by the Commission from among the appointed members at the first meeting in June of each year. The Chair and the Vice-Chair shall serve for a term of one year,

starting on the first day of the month following his or her election. The Chair and Vice-Chair shall be eligible for re-election.

- D. Vacancies. The Commission shall have the power to fill vacancies of the officers until the next election. Each person so elected shall be an officer for the period of the unexpired term.

VII. COMMITTEES

The Commission may designate an Executive Committee consisting of the Chair, Vice-Chair, and others as the Commission may choose. Between meetings of the Commission, the Executive Committee may have the authority to act on behalf of the Commission when there is a matter which does not involve major policy decision. All committee actions shall be brought to the Commission at its next meeting. The Chair, subject to the advice and consent of the Commission, shall have the right to establish and/or dissolve such committees as are needed to fulfill the Commission's purposes and objectives. The Chair shall also serve as a voting member on all committees.

VIII. COA APPLICATION PROCEDURES

- A. Applications for Certificates of Appropriateness (COA) may be picked up in the Maryville Development Services Department. The COA is due to be returned to this office by the first working day of the month.
- B. The COA Application requirements checklist should be completed by the staff for each application to ensure all items are submitted.
- C. No fees will be charged for processing applications.
- D. A ground mounted sign will be installed at the applicant's property informing passers-by that the property owner has submitted an application with the City phone number for additional details. The sign must be displayed in a visible location on the property at least 10 days before the meeting.
- E. A letter shall be mailed to the applicant stating the date and time of the meeting. Also, an outline of the rules of the meeting shall be included.
- F. COA applications will be valid for as long as the building permit is valid. A new COA will be required if a new building permit is required.

IX. CONSIDERATION OF COA APPLICATIONS

The order of business for hearing COA cases will be as follows:

- A. A consent agenda may be voted upon without formal presentation. The consent agenda may include applications, denials, or other matters listed by the staff and Commission. Any Commissioner may request that an item be withdrawn from the consent agenda and be considered and voted upon separately.
- B. Staff Presentation:
 1. Locate the property on a map.
 2. Briefly explain the proposed project.
 3. Show pictures of property and surroundings.
 4. Indicate impacts on adjoining property and visibility of proposed work from street.
 5. Read applicable design guidelines.

- C. Applicant presentation (no more than five minutes).
- D. Comments by other persons (comments should be limited to five minutes).
- E. Applicant Rebuttal (no more than five minutes).
- F. Historic Zoning Commission Discussion.
- G. Motion
 - 1. The motion should include:
 - 2. Property address;
 - 3. Property owner's name;
 - 4. Summary of findings of fact (detailed statement of reasons);
 - 5. Basis for decisions with reference to the design guidelines; and
 - 6. Decision.
- H. A Certificate of Appropriateness will be issued by the HZC after cases have been approved. The COA may be signed by either the staff members or of the HZC or HZC members.

X. ENFORCEMENT PROCEDURES

- A. Windshield surveys of the historic districts shall be undertaken on regular basis by the HZC to monitor approved COA cases and to check that unauthorized work is not in progress. Residents of the districts should also monitor their district and notify staff if any unauthorized work is taking place.
- B. The Historic Zoning Commission is designated and authorized to enforce the Historic Zoning Ordinance. Staff of Development Services and Building Codes can issue a Stop Work Order and inform the property owner that a COA is required.

XI. STAFF SUPPORT

- A. Staff Support. Staff support shall be provided to the Commission by regular staff members of the City of Maryville Development Services Department as budgeted by the City Council. Such staff shall be responsible for carrying out the directives of the Commission, assisting the public in applying the Maryville Code and providing records of Commission actions.
- B. Secretary. The Secretary shall be a person from the staff of the Maryville Development Services Department, but shall not be considered a member of the Commission. The Secretary shall keep and permanently file all minutes and actions taken by the Commission, and shall, in general, perform other duties as authorized by the Commission.
- C. Funding. Funding for such staff support shall be derived from the operating budgets of the Maryville Development Services Department.

XII. AMENDMENTS

After due notice, these Rules of Procedure may be amended or repealed on an affirmative vote of a majority of the Commission present at any meeting of the Commission at which a quorum is present.

Adopted by the Maryville Historic Zoning Commission on July 8, 1998. as amended through March 20, 2007.



APPLICATION FOR THE MARYVILLE HISTORIC ZONING COMMISSION

APPLICATION DEADLINE: Complete applications must be received by the Development Services Department by the first working day of each month in order to be placed on that month's agenda. Faxed or e-mailed applications will not be accepted. Nine (9) collated copies of your application, including color copies, must be submitted. Applicants are encouraged to schedule a meeting with a staff member of the Development Services Department prior to submitting application to check completeness of the application before the deadline.

MEETING TIME / PLACE / ATTENDANCE: The Commission meets on the third Tuesday of each month at 5:30 in the City of Maryville Municipal Center located at 400 W. Broadway Ave., Middle Level, City Council Chamber to review applications. Applicants are strongly advised to attend the meeting to present their applications and answer questions. If Applicants are not present at the meeting, the application may be delayed.

REGULATIONS: Applicants should obtain a copy of the historic zoning regulations applicable to their property prior to preparing their application. The regulations are in a notebook in the Development Services Department's lobby.

DATE APPLICATION SUBMITTED: _____

APPLICANT'S NAME: _____

APPLICANT'S PHONE NUMBER: _____

APPLICANT'S MAILING ADDRESS: _____

ADDRESS OF PROPERTY RELATED TO THE APPLICATION: _____

ATTACH YOUR PROPOSAL: Applicants must attach a written description of all proposed work and must attach 9 collated copies and supporting information, including color copies, photographs, drawings, building elevations, product brochures, etc. to graphically convey your proposal. **Submitting just this application will NOT be sufficient.**

If you have any questions while you are preparing this application or would like to schedule a pre-submittal meeting, please contact a Development Services Department

staff member at (865) 273-3500. To mail your application, send to: Development Services Department, City of Maryville, 416 W. Broadway Ave., Maryville, TN 37801. **Faxed and e-mailed applications will NOT be accepted.**

PROCEDURE AT THE MEETING

- A. Staff will introduce you and your application to the Commissioners, including:
 - 1. Location of your property;
 - 2. Briefly explaining your proposed project;
 - 3. Showing pictures of your property, and if relevant, its surroundings;
 - 4. Indicating impacts on adjoining property and visibility of proposed work from street; and
 - 5. Reading applicable historic zoning regulations and staff recommendation.
- B. Applicant presents his or her application and takes questions.
- C. Community Input. Any person wanting to address the Commission will have 5 minutes to present:
 - 1. Opponent concerns. Opponents discuss concerns with Commission, NOT with the Applicant;
 - 2. Proponent concerns; and
 - 3. Applicant rebuttal if requested by the Commission.
- D. The Historic Zoning Commission discusses the proposal and makes a motion to approve, deny or table the application with reasons stated.

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